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FROM	Monica R. Gerber, M.D., Ph.D.	NUMBER OF PAGES	7 (including transmittal sheet)
DATE	December 7, 2004	CLIENT NUMBER	2004993-0005
PHONE	(617) 248-5071	OPERATOR	TIME SENT

COMMENTS Please see following sheets.

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PAGE 1/7 * RCVD AT 12/7/2004 1:47:50 PM [Eastern Standard Time] * SVR:USPTO-EFAX-1/0 * DNS:8729306 * CSID:617 248 4000 * DURATION (mm-ss):02-04

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Attorney Docket No: 2004993-0005 (VPI/00-115 US)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kuida, et al. Examiner: Shukla, R.
Serial No.: 09/888,182 Art Unit: 1632
Filing Date: June 22, 2001
Title: ERK-5 DEFICIENT ANIMALS AND METHODS OF INHIBITING
ANGIOGENESIS THROUGH THE INHIBITION OF ERK-5

BY FACSIMILE TRANSMISSION

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal was filed in the above-referenced application on September 10, 2004, with a check in the amount of \$165.00 and authorization to charge our Deposit Account No. 03-1721 for any additional fees associated with the filing. The Notice of Appeal was mailed by First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as evidenced by the signed Certificate of Mailing on the Notice of Appeal and Transmittal Letter that accompanied it. We enclosed a self-addressed postcard that was returned to us on September 17, 2004, with a stamp indicating that it was received at the P.T.O. on September 13, 2004.

It has come to our attention that the Notice of Appeal has not been entered into PAIR. According to the Examiner of Record in the case, R. Shukla, there is no record at the P.T.O. that the Notice of Appeal was received. Therefore, we are hereby providing copies of the following documents as evidence of the timely filing of the Notice of Appeal on September 10, 2004:

- (1) Notice of Appeal with a signed Certificate of Mailing, dated September 10, 2004 (1 p.);
- (2) Transmittal Letter with a Certificate of Mailing, dated September 10, 2004 (1 p.);
- (3) Postcard listing Notice of Appeal, Transmittal Letter, and check. The postcard is dated September 10, 2004 and bears a stamp indicating it was received at the P.T.O on September 13 (1 p.);

U.S.S.N. 09/888,182
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Page 1 of 2

Attorney Docket No.: 2004993-0005 (VPI/00-115US)

(4) Check in the amount of \$165.00 (1 p.).

We respectfully request entry of the Notice of Appeal and again authorize the charging of any fees associated with the filing to our Deposit Account No. 03-1721.

Respectfully submitted,



Monica R. Gerber, M.D., Ph.D.

Registration Number 46,724

Dated: December 7, 2004

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